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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,419	07/10/2001	Duck-Ho Choi	678-645 (P9690)	7668

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EXAMINER
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NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/902,419

Applicant(s)

CHOI, DUCK-HO

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, and 7-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on July 11, 2005. Previous office action contained claims 1-11. Applicant amended claims 1, and 7, and cancelled claims 5-6 and 10-11. Amendment filed on July 11, 2005 have been entered and made of record. Therefore, pendent claims 1-4 and 7-9 are presented for further consideration and examination.

### ***Response to Arguments***

2. Applicant's arguments filed July 11, 2005 have been fully considered but they are not persuasive.

The applicant argued in page 5 first paragraph for claim 7 that the primary reference by Anderlind fails to disclose the step of entering a text data transmission function select mode and displaying a plurality of available text transmission functions as menu items if the display data is text data; entering a graphic data transmission function select mode and displaying a plurality of available graphic transmission functions as menu items if the display data is graphic data.

The examiner respectfully submits that the previous rejection made by the Office clearly shows the claimed invention in col. 10 lines 61 to col. 11 lines 6. In this paragraph, it clearly discloses a multiple ways of sending information to the destination including sending text and image wherein the image is considered as data general. Further in the same paragraph, it must have a selection menu items that would allow the operator to selectively select the type of

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transmissions such as SMS, text transmission, fax transmission, and other type of data transmission as needed.

Claims 2-4 and 8-9 are rejected at least by virtual of their dependency on independent and by other reasons set forth in the previous office action.

According rejections for claims 1-4 and 7-9 are presented as below.

*Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the limitation “determining whether the display data is text data or graphic data” in line 5 is unclear how to determine the type of captured display data. In addition to claim 7, the limitation in claim 1 further including “by comparing the size of the display data with a predetermined threshold” is also unclear whether the comparison can be used to determine the type of data given both types of data are same size. For examination purposes, the examiner disregards the limitation “determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold”.

Thus, claims 2-4 and 8-9 are also rejected for being dependent on the rejected base claims 1 and 7 respectively.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-4 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility.

5. Claims 1-4 recited a step of determining whether the display data is text data or graphic data by comparing the size of the display data with a predetermined threshold. This step is inoperable due to the following reason: first, specification does not clearly disclose how to compare the size of different type of display data with a predetermined threshold in order to determine whether the display data is text or image; second, assuming if the size of capture display data larger than the predetermined threshold then it is image otherwise it would be text however this would not operate if and very possible the size of capture of display data smaller than the predetermined threshold; and third, it cannot determined or inoperable if both types of capture display data are equal in size.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 103(a) as being obvious over Anderlind et al. (Hereafter, Anderlind) U.S. Patent 6,781,972 in view of Wang et al. (Hereafter, Wang U.S. Patent 6,662,226.

6. Regarding claim 1, Anderlind's figure 1 discloses a method for transmitting a data from the wireless data server (12) to the mobile station (26): determining whether the data is text or graphic data (e.g. the wireless data server determined the appropriate data format for communications over the communication network) (col. 5, lines 28-31) by comparing the size of the display data with a predetermined threshold; transmitting the data by a predetermined text transmission function if the display data is text data and transmitting the data by a predetermined graphic transmission function if the display data is graphic data (e.g. selecting a delivery appropriate data from a group of possible delivery methods to the mobile station and the group of delivery methods may include one or more of the following: short messaging service (SMS), transmission over a shared data channel or a dedicated data channel, and other suitable data transmission techniques) (col. 11 last paragraph through col. 12, 1<sup>st</sup> paragraph). However, Anderlind fails to teach the data is the capturing display data on the display.

Wang discloses the data is the capturing display data on the display (col. 4, lines 45-59). It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Wang's teaching into Anderlind's method to capture the information on the display and designated on the server device for future reference.

7. Regarding claim 2, Anderlind further discloses the text transmission function is at least one of an SMS function, an E-mail function, and a data communication function (col. 7, lines 7-14).

8. Regarding claim 3, Anderlind further discloses the graphic transmission function is a data communication function (col. 7, lines 7-14).

9. Regarding claim 4, Anderlind further discloses receiving information about a recipient from the user by the mobile terminal (Figure 4 reference number S 12), transmitting the display data along with the recipient information to a base station (Figure 1 reference number 22) by the mobile terminal (Figure 1 reference number 26), transmitting the display data along with the recipient information to a mobile switching center (MSC) (Figure 1 reference number 16) by the base station, and analyzing the recipient information, converting the display data, and transmitting the display data to the recipient by the MSC (col. 3, lines 4-17, 28-32, and 42-46).

10. Regarding claim 7, Anderlind discloses determining whether the display data is text data or graphic data (e.g. the wireless data server determined the appropriate data format for communications over the communication network) (col. 5, lines 28-31) entering a text data transmission function select mode and displaying a plurality of available text transmission functions as menu items if the data is text data entering a graphic data transmission function select mode and displaying a plurality of available graphic transmission functions as menu item: if the display data is graphic data, and transmitting the data by a selected transmission function upon receipt of a selection command from the user in the text data transmission function select mode or the graphic data transmission function select mode (e.g. selecting a delivery appropriate data from a group of possible delivery methods to the mobile station and the group of delivery methods may include one or more of the following: short messaging service (SMS), transmission over a shared data channel or a dedicated data channel, and other suitable data transmission

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techniques) (col. 11 last paragraph through col. 12 1<sup>st</sup> paragraph). However, Anderlind fails to teach the data is the capturing display data on the display.

Wang discloses the data is the capturing display data on the display (col. 4, lines 45-59). It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Wang's teaching into Anderlind's method to capture the information on the display and designated on the server device for future reference.

11. Regarding claim 8, it has same limitations cited in claim 2. Thus, claim 8 is also rejected under the same rationale as cited in the rejection of rejected claim 2.

12. Regarding claim 9, it has same limitations cited in claim 3. Thus, claim 9 is also rejected under the same rationale as cited in the rejection of rejected claim 3.

### *Conclusion*

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.


The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuoc H Nguyen  
Examiner  
Art Unit 2143

September 29, 2005

  
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